

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:06-cv-00400-BR**

SUELLEN E. BEAULIEU, et al,

Plaintiffs

v.

**EQ INDUSTRIAL SERVICES, INC., et
al,**

Defendants.

ORDER

**This Document Relates To:
ALL CASES**

This matter is before the court on the parties' joint motion to approve final accounting and authorize escrow agent to release funds. The motion is ALLOWED. It is ORDERED that Wells Fargo Bank, N.A. is hereby directed to transfer from the Common Settlement Fund the total amount of \$2,254,660.02¹ to the Settlement Administrator to be paid as follows:

1. \$80,000 to a Cy Pres Sub-Fund for the public benefit of the citizens of the Town of Apex, North Carolina;
2. \$86,822.22 to Chartis Speciality Insurance Company for reimbursement for prior payments;
3. \$1,991,883.24² to Chartis Speciality Insurance Company for its pro rata share of the remaining settlement funds;

¹The motion and memorandum indicate that the remaining balance in the Common Settlement Fund is \$2,251,660.02. Actually, the balance is \$3,000 higher, or \$2,225,466.02, which includes the unallocated attorneys' fees. (See Mem., Ex. A at 6.)

²The motion and memorandum identify the amount as \$1,991,803.24. The amount is actually \$1,991,883.24. (Mem., Ex. A. at 7.)

4. \$46,477.28 to Allworth, Inc. for its pro rata share of the remaining settlement funds;
5. \$46,477.28 to Mobile Aerospace Engineering, Inc. for its pro rata share of the remaining settlement funds;
6. \$1,001.67 to Henry Dart for his pro rata share of unallocated attorneys' fees;
7. \$75.51 to Donald Dunn for his pro rata share of unallocated attorneys' fees;
8. \$744.96 to M. David Karnas for his pro rata share of unallocated attorneys' fees;
9. \$392.61 to J. Michael Malone for his pro rata share of unallocated attorneys' fees;
10. \$75.51 to Roger Orland for his pro rata share of unallocated attorneys' fees;
11. \$35.25 to Jesse Shapiro for his pro rata share of unallocated attorneys' fees; and
12. \$674.49 to Robert Zaytoun for his pro rata share of unallocated attorneys' fees.

It is further ORDERED that Wells Fargo Bank, N.A. is hereby directed to transfer from the Cost Sub-Fund the total amount of \$345,586.09 to the Settlement Administrator to be paid as follows:

1. \$52,507.80 to the Settlement Administrator to pay the final bill for his fees and costs;
2. \$80,889.61 to Henry Dart for litigation costs and expenses;
3. \$3,604.86 to Donald Dunn for litigation costs and expenses;
4. \$63,187.68 to M. David Karnas for litigation costs and expenses;
5. \$32,736.84 to J. Michael Malone for litigation costs and expenses;
6. \$60,755.13 to Roger Orland for litigation costs and expenses; and
7. \$51,904.17 to Robert Zaytoun for litigation costs and expenses.

Finally, having been informed on 28 November 2011 by defense counsel that the parties had resolved plaintiffs' motion to compel payment for overdue expert witness costs and sanctions, that motion is DENIED WITHOUT PREJUDICE.

This 14 March 2012.



W. Earl Britt
Senior U.S. District Judge